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PATTERSON & SHERIDAN, LLP/
SEDNA PATENT SERVICES, LLC
595 SHREWSBURY AVENUE
SUITE 100
SHREWSBURY, NJ 07702

EXAMINER	
BETIT, JACOB F	

ART UNIT	PAPER NUMBER
2164	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/920,615	SWART ET AL.	
	Examiner	Art Unit	
	Jacob F. Bétit	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33 and 35-57* is/are pending in the application.

4a) Of the above claim(s) *9-29 and 52-57* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-8,30-33 and 35-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 May 2007 has been entered.

Remarks

2. In response to communications filed on 16 April 2007 claims 1, 4, and 30 are amended and claim 34 is cancelled per applicants request. Claims 1-33 and 35-57 are presently pending in the application of which claims 9-29 and 52-57 are withdrawn from further consideration.

Election/Restrictions

3. Applicant's election without traverse of claims 1-8, and 30-51 in the reply filed on 31 March 2006 is acknowledged. The election was made final in the office action dated 11 September 2006.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 4-8, 30-32, 35, 38-40, and 45-51 rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerzon et al. (U.S. patent No. 6,547,829 B1) in view of Jensen-Grey (U.S. patent application publication No. 2002/0099697 A1).

As to claim 1, Meyerzon et al. teaches a remote content crawler for use in a content search, packaging, and delivery system, comprising:

a remote content crawler processor that controls the remote content crawler (see column 4, lines 20-25);

a network resource processor that acquires data related to resources coupled to one or more communications networks (see column 4, lines 25-42);

a crawling criteria processor that acquires crawling criteria (see column 4, lines 43-47);

a crawler content provider processor that receives, processes and stores content provider listings (see column 4, 47-60); and

a network crawler, wherein the network crawler crawls content providers to acquire data related to available content (see column 4, line 61 through column 5, line 22) in accordance with the crawling criteria (see column 4, lines 52-55 and see column 2, lines 17-24).

Meyerzon et al. does not distinctly disclose said crawling criteria having a plurality of conditions; and a crawling criteria checker that determines if the acquired data meets said plurality of conditions.

Jensen-Grey teaches this, see paragraphs 0036-0038. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have

modified Meyerzon et al. to include the teachings of Jensen-Grey because these teachings would make it so that only data that is related to the request at hand is retrieved (media files).

As to claim 4, Meyerzon et al. teaches an apparatus for searching one or more communications networks, accessing content available on the one or more communications networks, and acquiring access to the content (see column 4, line 20 through column 5, line 22), comprising:

one or more processors, wherein the one or more processors receive information related to the content (see column 4, lines 20-42 and see Figure 2, reference number 100); and

a network crawler coupled to the one or more processors, wherein the network crawler accesses the one or more communications networks to locate available content (see column 4, line 20 through column 5, line 22 and see Figure 2, reference numbers 100, 150, and 150) in accordance with the crawling criteria (see column 4, lines 52-55 and see column 2, lines 17-24).

Meyerzon et al. does not distinctly disclose said crawling criteria having a plurality of conditions; and a crawling criteria checker that determines if the acquired data meets said plurality of conditions.

Jensen-Grey teaches this, see paragraphs 0036-0038. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. to include the teachings of Jensen-Grey because these teachings would make it so that only data that is related to the request at hand is retrieved (media files).

As to claim 5, Meyerzon et al. as modified, teaches wherein the network crawler comprises one or more crawling servers, wherein each of the one or more crawling servers searches the one or more communications networks according to a specific crawling criteria (see Meyerzon et al., column 4, lines 43-47).

As to claim 6, Meyerzon et al. as modified, teaches wherein the network crawler is a World Wide Web robot (see column 2, lines 3-16), wherein the network crawler traverses a hypertext structure of the network and retrieves the content and recursively retrieves additional content referenced in the retrieved content (see Meyerzon et al., column 4, lines 47-50).

As to claim 7, Meyerzon et al. as modified, teaches wherein the one or more processors, comprises:

a crawler processor coupled to the network crawler, wherein the crawler processor receives crawling schedule information and content search criteria (see Meyerzon et al., column 4, lines 20-25);

a network resource processor coupled to the network crawler, wherein the network resource processor aggregates resource addresses of resources coupled to the one or more communications networks (see Meyerzon et al., column 4, lines 25-42);

a crawling criteria processor that compiles data related to searches to be conducted by the network crawler and generates specific crawling criteria (see Meyerzon et al., column 4, lines 43-47); and

a crawler content provider processor coupled to the network crawler that identifies, tracks, indexes and ranks providers of the content, and generates content provider data, wherein the network crawler receives the content provider data, the specific crawling criteria and the resource addresses and crawls the network based on the received content provider data, the specific crawling criteria, and the resource addresses (see Meyerzon et al., column 4, line 61 through column 5, line 22).

As to claim 8, Meyerzon et al. as modified, teaches further comprising a content crawler results processor that receives content data from the network crawler, and that processes the content data and routes sorted and formatted crawling results for storage (see Meyerzon et al., column 9, lines 33-50).

As to claim 30, Meyerzon et al. teaches a method for finding digital content in a communications network, comprising:

acquiring network resource data, wherein the network resource data comprises address data for content servers coupled to the one or more communications networks (see column 4, lines 20-42);

acquiring crawling criteria, wherein crawling criteria are used during a crawling operation to search for the digital content (see column 4, lines 43-47);

acquiring content provider data, wherein content provider data includes digital content provider-related data (see column 4, lines 47-60); and

crawling network resources in the one or more communications networks (see column 4, line 61 through column 5, line 22) in accordance with the crawling criteria (see column 4, lines 52-55 and see column 2, lines 17-24).

Meyerzon et al. does not distinctly disclose said crawling criteria has a plurality of conditions; and determining, via a crawling criteria checker, if the acquired data meets said plurality of conditions.

Jensen-Grey teaches this, see paragraphs 0036-0038. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. to include the teachings of Jensen-Grey because these teachings would make it so that only data that is related to the request at hand is retrieved (media files).

As to claim 31, Meyerzon et al. as modified, teaches further comprising storing the network resource data, the crawling criteria, and the content provider data in one or more databases (see Meyerzon et al., column 4, line 20 through column 5, line 22).

As to claim 32, Meyerzon et al. as modified, teaches wherein acquiring network resource data comprises indexing the address data according to one or more address types (see Meyerzon et al., column 9, lines 33-57).

As to claim 35, Meyerzon et al. as modified, teaches further comprising updating the address data (see Meyerzon et al., column 4, lines 43-50).

As to claim 38, Meyerzon et al. as modified, teaches wherein the crawling criteria, comprises: terms, phrases and keywords; data type descriptions; metadata field names; and metadata type descriptors, wherein the metadata type descriptors are associated with eligible content as one or more of hypertext descriptions and embedded file and data stream attributes and metadata (see Jensen-Grey, paragraphs 0035-0045).

. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. by the teachings of Jensen-Grey because these teachings would all the appropriate content to be found based on the user's search.

As to claim 39, Meyerzon et al. as modified, teaches wherein acquiring the crawling criteria comprises automatically acquiring the crawling criteria (see Jensen-Grey, paragraphs 0035-0037).

As to claim 40, Meyerzon et al. as modified, teaches wherein automatically acquiring the crawling criteria, comprises:

analyzing and importing metadata schemes for standardized and proprietary content formats (see Jensen-Grey, paragraph 0040);

parsing metadata field names and descriptive terms (see Jensen-Grey, paragraphs 0043-0045);

analyzing hypertext associated with desired hyperlinks (see Jensen-Grey, paragraph 0038);

analyzing text proximate to the desired hyperlinks, wherein analyzing hypertext identifies terms that relate to a data type or content category (see Jensen-Grey, paragraph 0039).

As to claim 45, Meyerzon et al. as modified, teaches wherein crawling the network resources comprises crawling with one or more crawling servers (see Meyerzon et al., column 4, line 20 through column 5, line 22).

As to claim 46, Meyerzon et al. as modified, teaches further comprising

subdividing the network resources (see Meyerzon et al., column 4, line 61 through column 5, line 22);

assigning the subdivided network resources to the one or more crawling servers (see Meyerzon et al., column 4, line 61 through column 5, line 22); and

at a crawler server: reading data from the assigned network resources, communicating with the assigned network resources, downloading data from the assigned network resources (see Meyerzon et al., column 7, lines 31-52 and see column 8, lines 1-11).

As to claim 47, Meyerzon et al. as modified, teaches further comprising:

comparing digital content from one or more of the assigned network resources to the crawling criteria (see Meyerzon et al., column 4, line 61 through column 5, line 22); and

acquiring data related to content that satisfies the crawling criteria (see Meyerzon et al., column 5, lines 4-13).

As to claim 48, Meyerzon et al. as modified, teaches further comprising:

following links from a first network resource to subsequent network resources, wherein following the links comprises: analyzing hypertext structure of the first network resource to determine if the links have been crawled, determining if a network resource has been downloaded or updated since a previous crawl of the network resource, and analyzing the hypertext structure to determine if the link points to a network resource comprising a web page or other hypertext file (see Meyerzon et al., column 4, line 43 through column 5, line 22).

As to claim 49, Meyerzon et al. as modified, teaches further comprising:

caching hypertext files containing the data related to the content (see Meyerzon et al., column 9, lines 41-50);

caching the links from the first network resource to subsequent network resources (see Meyerzon et al., column 4, lines 43-60); and

indexing web pages or other hypertext files of interest (see Meyerzon et al., column 9, lines 41-50).

As to claim 50, Meyerzon et al. as modified, teaches wherein comparing the content to the crawling criteria comprises using a comparison algorithm that compares elements in a hypertext file to the crawling criteria (see Meyerzon et al., column 9, lines 30-40).

As to claim 51, Meyerzon et al. as modified, teaches further comprising: acquiring and processing metadata related to a network resource (see Meyerzon et al., column 9, lines 33-50);

and processing content results from the crawled network resources (see Meyerzon et al., column 9, lines 41-50).

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerzon et al. in view of Jensen-Grey as applied to claims 1, 4-8, 30-32, 35, 38-40, and 45-51 above, in further view of Stern et al. (U.S. patent application publication No. 2002/0032740 A1).

As to claim 2, Meyerzon et al. teaches further comprising:

a content crawler results processor (see column 4, lines 43-60);

a metadata acquisition processor (see column 4, lines 43-60); and

one or more databases, the one or more databases storing information and data generated in and received by the remote content crawler (see figure 2, reference number 400).

Meyerzon et al. does not distinctly disclose a plurality of crawling servers coupled to the network crawler.

Stern et al. teaches this, see paragraphs 0062-0067. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. by the teachings of Stern et al. because these teachings would allow more pages to be crawled at a faster pace.

As to claim 3, Meyerzon et al. teaches wherein the one or more databases, comprises:

a content provider listing database (see column 4, lines 43-65); and

a network resources database (see column 4, lines 61-65).

Meyerzon et al. does not distinctly disclose a crawling criteria database.

Stern et al. teaches this, see paragraphs 0119-00132. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. by the teachings of Stern et al. because these teachings would allow specific criteria to be extracted from the crawled documents.

6. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerzon et al. in view Jensen-Grey as applied to claims 1, 4-8, 30-32, 35, 38-40, and 45-51 above, and in further view of of the applicant's admitted prior art.

The official notice taken in the previous action is taken to be admitted prior art because applicant failed to traverse the examiner's assertion of official notice (see MPEP 2144.04 (C.).

As to claim 33, Meyerzon et al. teaches wherein the address types include top-level domain and subdomain names, Universal Resource Identifiers, and Universal Resource Locators (URLs), (see column 4, lines 23-29).

Meyerzon et al. does not distinctly disclose wherein the address types include Internet Protocol (IP) address numbers.

The applicant has admitted that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. to include the address type including Internet Protocol (IP) address numbers because IP address numbers are the most common way of identifying computers on the Internet or any IP based network.

7. Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerzon et al. in view of Jensen-Grey as applied to claims 1, 4-8, 30-32, 35, 38-40, and 45-51 above, and in further view of Johnson (U.S. patent application publication No. 2002/0010682 A1).

As to claim 36, Meyerzon et al. teaches wherein updating the address data, comprises:

receiving hyperlinked domain names for the network resources (see column 4, lines 43-50).

Meyerzon et al. does not distinctly disclose: downloading domain name records from public and private domain name registration sources; synchronizing local Domain Name Service (DNS) databases with one or more DNS databases over the one or more communications networks; performing reverse domain name resolution, comprising locating URLs associated with allowable IP address numbers; verifying DNS aliases and duplicate URLs against IP addresses; and eliminating any duplicate URLs identified by the verifying step.

Johnson teaches this, see paragraphs 0058-0067. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. by the teachings of Johnson because these teaching would give a large database of pages to seed the crawler.

As to claim 37, Meyerzon et al. does not distinctly disclose wherein the network resource data comprises: URL owner identity; URL owner contact information; available content types; expiration time of the domain name; and subdomain names to be excluded during crawling.

Johnson teaches this, see paragraph 0059. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et

al. by the teachings of Johnson because these teachings would enable the owner of crawled pages to be readably available.

8. Claims 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerzon et al. in view of Jensen-Grey as applied to claims 1, 4-8, 30-32, 35, 38-40, and 45-51 above, and in further view of Schuetze et al. (U.S. patent No. 6,751,612 B1).

As to claim 41, Meyerzon et al. does not distinctly disclose wherein acquiring the crawling criteria comprises acquiring the crawling criteria through manual input.

Schuetze et al. teaches this, see column 6, line 31 through column 7, line 11. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. by the teachings of Schuetze et al. because these teachings would allow the user to select the criteria used in crawling servers.

As to claim 42, Meyerzon et al. does not distinctly disclose wherein acquiring the content provider data comprises ranking content providers.

Schuetze et al. teaches this, see column 1, line 65 through column 2, line 17. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. to include the teachings of Schuetze et al. because these teachings would provide relevant and current information to users that are searching for information.

As to claim 43, Meyerzon et al. as modified, teaches wherein a ranking of a content provider is based on one or more of quantity of available content, provider professional association membership, amount of content requested and downloaded by users of the communications network, and content provider ratings, wherein the content provider ratings are provided by the users of the communications network (see Schuetze et al. column 1, line 65 through column 2, line 17).

As to claim 44, Meyerzon et al. as modified, teaches further comprising determining a frequency of crawling a content provider based on the ranking of the content provider (see Schuetze et al. column 1, line 65 through column 2, line 17).

Response to Arguments

9. Applicant's arguments with respect to claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Bétit whose telephone number is (571) 272-4075. The examiner can normally be reached on Monday through Friday 9:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

jfb
14 Jun 2007

SAM RIMELL
PRIMARY EXAMINER